

1 TOWN OF EASTON, MARYLAND
2 Easton Town Hall
3 14 S. Harrison Street
4

5 May 18, 2009

6 **PRESENT AT CONVENING**
7

8 Mayor Robert C. Willey 11 Councilmember Pete Leshner
9 Council President John F. Ford 12 Councilmember Leonard E. Wendowski
10 Councilmember Kelley K. Malone 13 Councilmember Megan M. Cook

14
15 **IN ATTENDANCE**
16

17 Also in attendance were the Town Manager Mr. Karge, Town Attorney Ms. VanEmburch and Town
18 Clerk Ms. Ruf.
19

20 **CONVENING**
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22 At 7:00 p.m., President Ford called the meeting to order.
23

24 Mr. Wendowski opened the meeting with prayer and led the audience in the Pledge of Allegiance.
25

26 **APPROVAL OF MINUTES**
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28 Upon motion by Mr. Leshner seconded by Ms. Malone minutes of the May 5, May 12 and May 13,
29 2009 meetings were approved unanimously with corrections as submitted by Mr. Leshner.
30

31 **ITEMS BY THE TOWN MANAGER**
32

33 Mr. Karge updated on work being done on Salmon Avenue and Hawkes Hill Road.
34

35 Mr. Karge stated that we have become aware that there are two Holly Roads; one in town limits and
36 one in Talbot County outside of town limits in Glebe Villa. He discussed the problem should there be a
37 call for emergency services.
38

39 Mr. Karge discussed a meeting for building permit issues to be scheduled.
40

41 **LETTER FROM MS. KAREN HARRISON, PROPERTY MANAGER, COOKE'S HOPE**
42 **REGARDING TRASH COLLECTION IN THE COMMUNITY OF COOKE'S HOPE**
43

44 Mr. Karge advised that the PUD ordinance had been provided to Ms. Harrison but the staff is still
45 looking for additional information for Ms. Harrison.
46

47 President Ford tabled the matter until more information is provided.
48

49 **CONSENSUS ON THE APPLICATION OF A PUD AMENDMENT APPLICATION**
50 **PROPOSING TO MODIFY THE APPROVED RESIDENTIAL TOWN HOME UNITS FOR**
51 **THE LAKELANDS SUBDIVISION**
52

53 Mr. Ryan Showalter, Attorney for the applicant stated that they are before the council for an
54 amendment to the PUD to diversify the architecture.
55

56 Mr. Showalter stated that Lennar cannot contribute an affordable housing unit. He stated that to do so,
57 it would increase the cost of the remaining units which are priced to address the workforce housing
58 market. He stated that Lennar is able to make a contribution to the Affordable Housing Fund in the
59 amount of \$8,000 to the Town's efforts for use in the discretion of the Affordable Housing Board.
60

61 Mr. Wendowski supports the PUD amendment and thanked Lennar for the contribution.
62

63 President Ford stated that he supports the PUD amendment. He stated that he thinks the changes make
64 the project whole.
65

66 Ms. Cook stated that she finds it unfortunate that a unit would not be able to be dedicated to the
67 Affordable Housing stock but appreciated the contribution. She stated that she likes the three stories
68 and thinks it adds architectural interest and is in support of the amendment.

Mr. Leshar is underwhelmed by the contribution but is grateful that Lennar is able to do something. He stated that having an eye for the architectural variation here it is an appropriate request and he is prepared to support the amendment.

Ms. Malone concurs with the council for the contribution and stated that she supports an amendment to the PUD. She stated that the standards of having diversity of housing types marketing to a variety of demographic and producing a pervious surfaces should be the standard every time.

ORDINANCE NO. 552, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING ORDINANCE 492 WHICH APPROVED AMENDMENTS TO THE APPLICATION APPROVED BY ORDINANCE 427 FOR REMCO PROPERTIES, LLC CONCERNING THE PLANNED UNIT DEVELOPMENT ("PUD") ZONING DISTRICT KNOWN AS WATERSIDE VILLAGE"

Upon motion by Ms. Malone seconded by Mr. Wendowski and carried unanimously, Ordinance No. 552 was approved unanimously following a roll call vote.

PUBLIC HEARING REGARDING:

ORDINANCE NO. 550, "AN ORDINANCE OF THE TOWN OF EASTON ADOPTING A TEMPORARY MORATORIUM OF APPLICATIONS, SITE PLANS, PERMITS FOR, CONSTRUCTION OF PROCESSING OF, AND APPROVAL OF ADULT ORIENTED BUSINESSES WITH THE TOWN OF EASTON FOR A PERIOD OF NINE (9) MONTHS PENDING CONSIDERATION AND ADOPTION OF A REVISED COMPREHENSIVE PLAN AND SUCH OTHER LEGISLATION AS THE TOWN COUNCIL MAY CONSIDER ADEVISABLE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE."

ORDINANCE NO. 551, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING THE TOWN OF EASTON ZONING ORDINANCE TO CREATE THE USE ADULT ORIENTED BUSINESS AND TO PROVIDE SUPPLEMENTAL STANDARDS ASSOCIATED WITH THE USE."

At 7:17 p.m., President Ford opened the Public Hearing to discuss Ordinance No. 550 and Ordinance No. 551.

Ms. VanEmburch stated that the Town's Comprehensive Plan and Zoning Ordinance do not address adult oriented businesses in any manner.

Ms. VanEmburch stated that the first piece of legislation would impose a moratorium on applications, site plans, permits for construction of, processing of, and approval of adult oriented businesses with the Town of Easton for a period of nine months. She stated that this ordinance is very specific for adult oriented businesses only which are defined in the ordinance.

The second ordinance; Ordinance 551 is an amendment to the Zoning Ordinance.

Mr. Leshar asked if there are currently any businesses that meet this definition and if so, would this moratorium impact any existing businesses.

Ms. VanEmburch stated that it would not impact any current businesses.

Mr. Wendowski asked if nine months is a long time for a moratorium.

Ms. VanEmburch stated that it would require several months to accomplish everything needed due to First Amendment protection.

President Ford opened the public hearing for comments from the audience. There were none.

President Ford stated that the record would remain open for written comments until the end of the business day on Friday of this week.

CONTINUATION OF PUBLIC HEARING ON THE REQUEST OF MARC MARROCCO OF THE STOP AND SHOP SUPERMARKET COMPANY ON BEHALF OF THE OWNER, THE EASTON SHOPPES BUSINESS TRUST. THE PROJECT IS TO CONSTRUCT AN EIGHT (8) PUMP FUEL FACILITY ASSOCIATED WITH THE GIANT GROCERY STORE TO BE LOCATED WITHIN THE EXISTING PARKING AREA. THE SHOPPES AT EASTON SHOPPING CENTERS IS LOCATED BETWEEN ELLIOTT ROAD AND TEAL DRIVE.

1 Mr. Dean Smith, engineer with VHB, representing the applicant addressed some of the concerns that
2 were raised during the public hearing two weeks ago. He discussed the inability to see due to the
3 landscaping on Elliott Road at the corner near the Chevy Chase Bank. Mr. Smith stated that it would
4 be their intent with their landscaping to reserve the existing trees on site and not block sight distance.
5 He discussed other proposed landscaping which would be low flowering shrubs and annuals.

6
7 Mr. Smith discussed additional traffic. He stated that he did not intend to imply there would not be any
8 additional traffic but that the customers they serve would be there for multi visits to the store.

9
10 Mr. Smith asked for questions.

11
12 Mr. Leshner asked if the applicant is prepared to do anything other than landscaping changes at the
13 entrances from Elliott Road.

14
15 Mr. Smith stated that he represents lessees at the site and not the owner of the shopping center. He
16 stated that they do not have control over the property. Mr. Smith stated that the Chevy Chase Bank is
17 on the adjacent property that contains the Wal Mart.

18
19 Exits and entrances were discussed.

20
21 Mr. Wendowski discussed selling gas at below market prices. Mr. Smith stated that it is intended to be
22 a service to existing customers.

23
24 President Ford discussed tonight's procedure after a public hearing.

25
26 President Ford stated that he does not support the application based upon his concerns about the
27 negative effect on the internal traffic patterns in that shopping center that this fuel facility may cause.
28 He stated that he had only one comment in support of this application; the rest overwhelmingly not in
29 support of this application.

30
31 Mr. Leshner stated that the parking requirements may become a problem if this change is granted. He
32 stated that he is also concerned about the traffic congestion issue. Mr. Leshner stated that without an
33 offer to make a change in the flow of traffic on and off this property from Elliott Road, he does not
34 think the application should be approved.

35
36 Ms. Malone concurred with the previous points made. She stated that she believes there are plenty of
37 gas stations on Route 50 and Highways is next door. To put another gas station nearby would be
38 detrimental to the business of other gas stations. Ms. Malone stated that the traffic issues make it just a
39 bad idea.

40
41 Mr. Wendowski stated that he feels that location is a poor site for a gas station. He stated that he
42 cannot support this application because he is convinced it is going to create more traffic and be more of
43 a hazard with the use of the two shopping centers. Mr. Wendowski stated that he believes it would set
44 a precedent for Wal Mart to come in with an application for a gas station so he would vote no.

45
46 Ms. Cook stated that she feels that the parking lot is quite hazardous and an additional gas station is not
47 needed with another gas station right across the road. She stated that she is not in favor of adding
48 another gas station at the Giant Supermarket.

49
50 Ms. Malone stated that of the people that responded to her, two identified themselves as being Giant
51 shoppers and both stated that they would no longer shop at Giant if the gas station was put in.

52
53 **REVIEW OF INVOICES TOTALING \$895,785.95**

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55 Upon motion by Mr. Wendowski seconded by Ms. Malone and carried unanimously, invoices totaling
56 \$895,785.95 were approved.

57
58 **ITEMS FROM THE COUNCIL**

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60 Ms. Malone discussed an upcoming meeting regarding the runway at the Talbot County Airport which
61 is scheduled for May 27 at 7:00 p.m. at Easton Fire House with members of the County Council and
62 Mr. Mike Henry, Manager at Easton Airport.

63
64 Mr. Leshner expressed his gratitude on behalf of the residents of Clifton that the Hawkes Hill project is
65 coming to a conclusion.

1 Mr. Wendowski asked the community to take a look at the Senior Center. He stated that funds are still
2 being accepted for the furnishings.

3
4 Ms. Cook thanked Mr. Evans at the Town for setting up a new voice mail and an e-mail. She
5 encouraged anyone in Ward IV to please contact her. She would like to get a list of residents to contact
6 with upcoming issues and meetings. Ms. Cook asked residents to refer to the Town's website.

7
8 Mr. Ford asked the Council to come up with a list of priorities that are important to them and their
9 constituents that need to be addressed and prioritized; hopefully by the second week in July.

10
11 **TWITTER PAGE**

12
13 Mr. Karge discussed efforts by the Town to get information to residents. He stated that the Planning
14 Department is developing a Twitter page to put out appropriate information to the community and if it
15 is successful, would be extended to all departments.

16
17 **ADJOURNMENT**

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19 Upon motion by Mr. Leshner seconded by Ms. Malone and carried unanimously; President Ford
20 adjourned the regularly scheduled meeting at 7:50 p.m.

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23 _____
Kathy M. Ruf, Town Clerk